



محكمة قطر الدولية  
ومركز تسوية المنازعات  
QATAR INTERNATIONAL COURT  
AND DISPUTE RESOLUTION CENTRE

**In the name of His Highness Sheikh Tamim bin Hamad Al Thani,  
Emir of the State of Qatar**

**Neutral Citation: [2024] QIC (F) 49**

**IN THE QATAR FINANCIAL CENTRE  
CIVIL AND COMMERCIAL COURT  
FIRST INSTANCE CIRCUIT**

**Date: 30 October 2024**

**CASE NO: CTFIC0071/2023**

**AMBERBERG LIMITED**

**Claimant/Applicant**

**v**

**PRIME FINANCIAL SOLUTIONS LLC**

**1<sup>st</sup> Defendant**

**AND**

**THOMAS FEWTRELL**

**2<sup>nd</sup> Defendant**

**AND**

~~NIGEL PERERA~~

3<sup>rd</sup> Defendant

AND

~~SOUAD NASSER GHAZI~~

4<sup>th</sup> Defendant

AND

~~REMY ABBOUD~~

5<sup>th</sup> Defendant

AND

~~MARC REAIDI~~

6<sup>th</sup> Defendant

AND

~~INTERNATIONAL BUSINESS DEVELOPMENT GROUP WLL~~

7<sup>th</sup> Defendant

AND

~~QATAR GENERAL INSURANCE & REINSURANCE COMPANY QPSC~~

8<sup>th</sup> Defendant

---

## JUDGMENT

---

### Before:

**Justice Fritz Brand**

----

### **Order**

1. The application pursuant to paragraph 5 of the Litigation Restraint Order dated 5 June 2024 for permission to appeal against the Registrar's costs judgment dated 29 August 2024 ([2024] QIC (C) 11) is refused.

### **Judgment**

1. The Applicant is Amberberg Limited, a company registered in the British Virgin Islands. On 5 June 2024, a Litigation Restraint Order was made with regard to the Applicant (and its authorised representative, Mr Rudolfs Veiss) in terms of Practice Direction No. 1 of 2024 (the '**LRO**'). As stated in paragraph 5 of the LRO, the effect of the Order is that absent permission by the President of this Court or a Judge nominated by him, the Applicant may not for a period of 2 years:
  - i. file any fresh claims or applications; or
  - ii. make any applications within extant claims.
2. This is an application for permission under paragraph 5 of the LRO. I am nominated by the President to consider the application. The application is for permission to appeal against a determination of the amount of legal costs made by the Registrar on 29 August 2024 ([2024] QIC (C) 11) in the matter between the Applicant and the Qatar General Insurance & Reinsurance Company QPSC who was the Eighth Defendant (the '**Defendant**') in an action brought by the Applicant against eight Defendants in this Court under case number CTFIC0071/2023.
3. The background to this application is in broad terms is as follows:

- i. On 4 April 2024, this Court upheld an application for summary judgment by the Defendant and in consequence the Applicant's claim against the Defendant was dismissed on the basis that was "*entirely without merit*" ([2024] QIC (F) 16). At the same time, the Court dismissed a application brought by the Applicant against the Defendant for disclosure of a professional indemnity insurance policy issued by it in the respect of the First Defendant on the basis that the document sought could have no possible relevance in the Applicant's claims against the remaining Defendants. That application for disclosure was also declared to be "*entirely without merit*". The Court further ordered the Applicant to pay the reasonable costs incurred by the Defendant in the summary judgment application, the disclosure application, and the main proceedings to be determined by the Registrar if not agreed.
  - ii. Since the parties could not agree on the amount of costs, the matter came before the Registrar. The Defendant, who was represented by Clyde & Co LLP in the proceedings, claimed that it had incurred costs in a total amount of QAR 789,427.16. In the event, the Registrar awarded an amount of QAR 421,000. The Claimant refused to satisfy that order until its authorised representative was made subject to a travel ban preventing him from leaving the State of Qatar. That is the award against which the Applicant seeks leave to appeal.
4. The overarching approach in matters of this kind is that the Registrar has a wide discretion which will only be interfered with if it can be shown that the discretion had been improperly exercised. In the present context the question is thus whether the Applicant has shown reasonable prospects of passing that rather formidable hurdle.
5. The carefully drafted judgment shows that the Registrar carefully analysed the opposing arguments presented by the Applicant and the Defendant; that he applied the relevant principles proposed in earlier cases such as *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017] QIC (C) 1 paragraphs 10 – 12, and *Dominik Wernikowski v CHM Global LLC* [2023] QIC (C) 1; and after mature consideration, arrived at the conclusion that he did.
6. The Applicant's arguments set out in its application are lengthy, convoluted and often make no sense at all. So, for example he complains that:

*This is because the assessment procedure was not followed properly. Miscellaneous by nature can't be reasonably incurred. More if not entirely different starting point of the assessment procedural approach is required that does not start with the position as set out in paragraph 27 by the Court that '...I am not of the view that I even have the power to decline to award any costs at all given the Court's order that the Claimant is to pay the 8th Defendant reasonable costs'. Everything else that follows are legal errors or misapplication of the caselaw during the assessment on reasonable costs. These cannot be the right assessment analysis.*

7. He makes sweeping statements, for instance that:

*This is the erroneous argument of the [Registrar] and errs the principles of caselaw; any costs that fail to meet the reasonably incurred and reasonable in amount criteria are simply not recoverable. The presented view appears to be that the Court is 'obliged' or otherwise it appears reverse the established principle that if the costs are not proved to be unreasonable then they are recoverable by 'default'. This position can't be right.*

8. The main focus of the Applicant's objection appears to be, however, that the Registrar had failed to have regard to the improper conduct of the Defendant prior to litigation. It further appears that the conduct it has in mind is the alleged conduct of Defendant relied upon in its Statement of Claim that formed the basis of its claim for disclosure against the Defendant. So, for instance he said:

*The Claimant was fully aware that 8th Defendant made incomplete or otherwise unreasonable representations in relation to First Defendant arrangements since December 2023, but the Claimant did not possess any documentary evidence to prove it otherwise. Only around mid-May 2024, the evidence was shared by another party of these proceedings with the Claimant to demonstrate that the 8th Defendant has acted unreasonably in failing to disclose material information.*

9. But I find this objection misconceived. The Court has already found that the documents in respect of which the Applicant sought disclosure were irrelevant, and it was not for the Registrar to revisit that finding. Moreover, the "misconduct" complained of by the Applicant is not the type of conduct relevant for considering the quantum of costs. Conduct relevant for this purpose has to do with the conduct of a litigant which has a bearing on the litigation.
10. I therefore find that the Applicant has no reasonable prospect of success in the proposed appeal and hence the application for leave to proceed is refused.

**By the Court,**



[signed]

**Justice Fritz Brand**

A signed copy of this Judgment has been filed with the Registry.

Representation

The Claimant was self-represented.